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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICE RAVEN,

Defendant.

No. 3-07-70489 JCS

STIPULATION AND [PROPOSED]
ORDER WAIVING TIME FOR THE
PRELIMINARY HEARING AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

With the agreement of the parties in open court, and with the consent of defendant Patrice Raven, the Court enters this order documenting defendant's waiver of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1) and under Fed. R. Crim. P. 5.1(d), from October 3, 2007 through October 22, 2007, the date of defendant's next appearance before this Court. The parties agree, and the Court finds and holds, as follows:

1. On October 3, 2007, at a status conference on a removal hearing pursuant to Fed. R. Crim. P. 5(c)(3)(D), defendant asked that she not be transferred to the District of Nebraska pending negotiations with respect to a potential transfer of the prosecution to the Northern District of California pursuant to Fed. R. Crim. P. 20. This court accordingly set a status conference date of October 22, 2007.

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2. At the status conference on October 3, 2007, the defendant waived time under the Speed Trial Act. Such time is appropriately excludable under 18 U.S.C. § 3161(h)(1)(G). In addition, defendant hereby waives her right to a preliminary hearing within 20 days, pursuant to Fed. R. Crim. P. 5.1(c) and (d).

3. Given these circumstances, the Court finds that, for good cause shown, the ends of justice served by waiving the defendant's right to a prompt preliminary hearing and a speedy trial until October 22, 2007 outweigh the best interest of the public and the defendant. Fed. R. Crim. P. 5.1(d); 18 U.S.C. § 3161(h)(8)(A) .

4. Accordingly, and with the consent of the defendant, the Court orders that the defendant's right to a preliminary hearing within 20 days from the date of the initial appearance be waived until October 22, 2007 and that the period from October 3, 2007 through October 22, 2007 be excluded from the Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A), 18 U.S.C. § 3161(h)(1)(G) and Fed. R. Crim. P. 5.1.

IT IS SO STIPULATED.

DATED: October 17, 2007

/s/
ELIZABETH FALK
Attorney for Defendant

DATED: October 17, 2007

/s/
TIMOTHY J. LUCEY
Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____

EDWARD M. CHEN
United States Magistrate Judge